

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10023 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 - NO

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CHUNILAL MEHTA & CO.

Versus

CHIEF OFFICER GONDAL MUNICIPALITY

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Appearance:

MR AN PATEL for Petitioner

Mr P K Parekh for Respondent No. 1

Ms. Harsha Devani, AGP for the State

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 30/07/96

ORAL JUDGEMENT

Rule. Mr P K Parekh, Standing Counsel waives service of notice of Rule on behalf of respondent No.1. Ms. Harsha Devani, learned AGP waives service of Rule on behalf of

the State of Gujarat.

2. A pursis dated 30.7.1996 under the signature of Mr A N Patel, learned Advocate for the petitioner and Mr P K Parekh, learned Advocate for the respondent-Municipality. It is stated that the petitioner shall be allotted alternative shop at Old Police Chowky building belonging to the Municipality like other similarly situated persons on the following conditions:

(1) That the petitioner shall pay a monthly rent of Rs.150/- per month to the Municipality - every month in advance from 1.8.1996.

(2) That in addition to the rent, the petitioner pay a sum of Rs.15000/- )Rupees fifteen thousand to the Municipality within one month from today.

(3) That the petitioner shall not transfer or alienate such shops to any person without permission from the Municipality.

Mr U A Trivedi appearing for Mr R R Trivedi, learned Advocate for the respondent No.1 submits that in this case, initially Mr R R Trivedi, was engaged and he has also filed reply. In view of this, without obtaining permission of Mr R R Trivedi with respect to the appearance of Mr P K Parekh, he wants some time to seek further instructions from the Municipality. Mr P K Parekh, learned Standing Counsel submits that he has been appointed as Standing Counsel for the Gondal Municipality and has been regularly appearing in a number of cases in this Court. He further states that in a group of 49 identical matters, he has put in appearance and in all those matters, similar orders have been passed. If there is any misunderstanding with respect to the appearance of Mr R R Trivedi and Mr P K Parekh on behalf of the Gondal Municipality, the same should be clarified by the Municipality in a dignified manner befitting their status as a Lawyer.

3. However, in view of the pursis, this Special Civil Application is allowed. Rule made absolute in terms of the pursis dated 30.7.1996. No order as to costs. Direct Service permitted.

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